

Prob12B
D/NV Form
Rev. June 2014

**United States District Court
for
the District of Nevada**

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
October 25, 2021

Name of Offender: **Victor Rodarte**

Case Number: **2:13CR00201**

Name of Sentencing Judicial Officer: **Honorable Andrew P. Gordon**

Date of Original Sentence: **June 10, 2014**

Original Offense: **Coercion and Enticement, a Class A felony**

Original Sentence: **120 Months prison.**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

CAUSE

On June 10, 2014, Your Honor sentenced Rodarte to 120 months custody, followed by lifetime supervised release, for the offense of Coercion and Enticement, a Class A felony. Rodarte is scheduled to release from the Bureau of Prisons on November 13, 2021.

Rodarte submitted a release plan to the Central District of California to reside with his father in Long Beach, California. The United States Probation Office, in the Central District of California, completed a prerelease investigation into Rodarte's residential placement and employment plan. They have conditionally accepted his transfer of supervision request to their district, pending the modification of several conditions of supervised release.

Your Honor imposed some of the conditions at the time of sentencing, however, the Central District of California is requesting additional conditions and slight variations to the wording in other conditions. The Prob49, Waiver of Hearing to Modify Conditions of Supervised Release, was presented to the inmate while in custody on October 21, 2021. Rodarte has agreed to the modification of all conditions and has signed the Prob49.

RE: Victor Rodarte

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Attached is the Prob49, Waiver of Hearing to Modify Conditions of Supervised Release, for Your Honor's review and consideration. Should the Court prefer an alternative course of action, please indicate below.

Respectfully submitted,



Digitally signed by
Landon VanWormer
Date: 2021.10.26
09:17:20 -07'00'

Landon R. VanWormer
Senior United States Probation Officer

Approved:

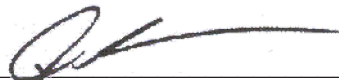


Digitally signed by Joy
Gabonia
Date: 2021.10.26 08:07:59
-07'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

October 27, 2021
Date

PROB 49
(3/89)

United States District Court

District of Nevada

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. Victor Rodarte, as a special condition of supervision, shall not associate or have verbal, written, telephonic, or electronic communication with any person under the age of 18, except: (a) in the presence of the parent or legal guardian of said minor; and (b) on the condition that Mr. Rodarte notify said parent or legal guardian of his/her conviction in the instant offense/prior offense. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., whom Mr. Rodarte must interact with in order to obtain ordinary and usual commercial services;
2. Victor Rodarte, as a special condition of supervision, shall not affiliate with, own, control, volunteer or be employed in any capacity by a business or organization that causes him/her to regularly contact persons under the age of 18;
3. Victor Rodarte's employment shall be approved by the Probation Officer, and any change in employment must be pre-approved by the Probation Officer. Mr. Rodarte shall submit the name and address of the proposed employer to the Probation Officer at least ten (10) days prior to any scheduled change;
4. Victor Rodarte, as a special condition of supervision, shall not reside within direct view of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, or other places primarily used by persons under the age of 18. Mr. Rodarte's residence shall be approved by the Probation Officer, and any change in residence must be pre-approved by the Probation Officer. Mr. Rodarte shall submit the address of the proposed residence to the Probation Officer at least 10 days prior to any scheduled move;
5. All computers, computer-related devices, and their peripheral equipment, used by Victor Rodarte, shall be subject to search and seizure and the installation of search and/or monitoring software and/or hardware, including unannounced seizure for the purpose of search. Mr. Rodarte shall not add, remove, upgrade, update, reinstall, repair, or otherwise modify the hardware or software on the computers, computer-related devices, or their peripheral equipment, nor shall he/she hide or encrypt files or data without prior approval of the Probation Officer. Further, Mr. Rodarte shall provide all billing records, including telephone, cable, internet, and the like, as requested by the Probation Officer. This shall not apply to items used at the employment's site, which are maintained and monitored by the employer;

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(3/89)

6. Victor Rodarte shall comply with the rules and regulations of the Computer Monitoring Program. Mr. Rodarte shall pay the cost of the Computer Monitoring Program, in an amount not to exceed \$32 per month per device connected to the internet;
7. Victor Rodarte shall not access via computer any material that relates to children. Mr. Rodarte shall not have another individual access the internet on his/her behalf to obtain files or information which he/she has been restricted from accessing, or accept restricted files or information from another person;
8. Victor Rodarte, as a special condition of supervision, shall notify the probation officer within 72 hours of any change in residence or employment;
9. Should Mr. Rodarte becomes homeless at any point of his term of supervision, he shall be placed in a location monitoring program and will be monitored via GPS, participating in the tracking portion of the program only and there will be no restrictions to his schedule. Mr. Rodarte will be required to submit to routine inspections of the monitoring equipment by the Location Monitoring Officer and be required to charge the GPS tracker twice per day, for a minimum of one hour each time.
10. Victor Rodarte shall pay the costs of Location Monitoring to the contract vendor, not to exceed the sum of \$12.00 for each day of participation, as directed by the Probation Officer. He shall provide payment and proof of payment as directed by the Probation Officer.
11. Victor Rodarte as a special condition of supervision, shall submit to a search, at any time, with or without warrant, and by any law enforcement or probation officer, of the offender's person and any property, house, residence, vehicle, papers, computers, cell phones, other electronic communication or data storage devices or media, email accounts, social media accounts, cloud storage accounts, effects and other areas under the offender's control, upon reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by the offender, or by any probation officer in the lawful discharge of the officer's supervision functions.
12. Victor Rodarte, as a special condition of supervision, shall participate in a psychological counseling or psychiatric treatment or a sex offender treatment program, or any combination thereof as approved and directed by the Probation Officer. Mr. Rodarte shall abide by all rules, requirements, and conditions of such program, including submission to risk assessment evaluations and physiological testing, such as polygraph and Abel testing. The defendant retains the right to invoke the Fifth Amendment. The Court authorizes the Probation Officer to disclose the Presentence Report, and any previous mental health evaluations or reports, to the treatment provider. The treatment provider may provide information (excluding the Presentence report), to State or local social service agencies (such as the State of California, Department of Social Service), for the purpose of the client's rehabilitation.
13. As directed by the Probation Officer, Victor Rodarte, shall pay all or part of the costs of psychological counseling or psychiatric treatment, or a sex offender treatment program, or any combination thereof to the aftercare contractor during the period of community supervision. Mr. Rodarte shall provide payment and proof of payment as directed by the Probation Officer. If Mr. Rodarte has no ability to pay, no payment shall be required.
14. Victor Rodarte, as a special condition of supervision, shall not own, use or have access to the services of any commercial mail-receiving agency, nor shall Mr. Rodarte open or maintain a post office box, without the prior written approval of the Probation Officer.

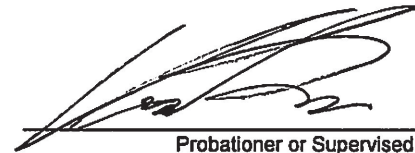
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(3/89)

Witness

Daniel Kelly

Digitally signed by
Daniel Kelly
Date: 2021.10.21
12:42:00
U.S. Probation Officer

Signed



Probationer or Supervised Release

Date